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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

TAO DENG,  
 and her husband JIAN LIU,

Plaintiffs,

v.

ALBERTO GONZALES, Attorney General  
 of the United States; MICHAEL CHERTOFF,  
 Secretary of the Department of Homeland  
 Security; EMILIO T. GONZALEZ, Director  
 of United States Citizenship and Immigration  
 Services; ROBERT S. MULLER, Director  
 of the Federal Bureau of Investigation;  
 CHRISTINA POULOS, Acting Director  
 of the California Service Center,

Defendants.

No. C 07-0533-CRB

**JOINT CASE MANAGEMENT  
 STATEMENT; REQUEST THAT COURT  
 VACATE CASE MANAGEMENT  
 CONFERENCE; AND ~~PROPOSED~~  
 ORDER**

Date: August 3, 2007

Time: 8:30 a.m.

### 1. Jurisdiction and Service

The basis asserted by plaintiffs for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 5 U.S.C. § 701 et seq. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

### 2. Facts

The plaintiffs are natives of China who each filed a Form I-485 application to adjust status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS)

1 on or about February 18, 2005. The USCIS has not yet adjudicated the Form I-485 applications  
2 because the required background checks, including the FBI name check, have not been completed.  
3 The plaintiffs filed an action on January 15, 2007, seeking an order from this Court directing  
4 USCIS to adjudicate their Form I-485 applications.

### 5 **3. Legal Issues**

6 Whether this Court should dismiss the plaintiff's action for failure to state a claim and for lack  
7 of subject matter jurisdiction.

8 Assuming this Court has jurisdiction, whether the defendants are processing the plaintiffs' I-  
9 485 applications within a reasonable period of time.

### 10 **4. Motions**

11 The parties intend to file cross-motions for summary judgment to resolve this case.

### 12 **5. Amendment of Pleadings**

13 No parties, claims or defenses are expected to be added or dismissed.

### 14 **6. Evidence Preservation**

15 The parties do not have any evidence that falls within this category.

### 16 **7. Disclosures**

17 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
18 this case.

### 19 **8. Discovery**

20 The parties do not intend to take any discovery at this time.

### 21 **9. Class Actions**

22 N/A

### 23 **10. Related Cases**

24 The parties are not aware of any related case or cases.

### 25 **11. Relief**

26 The plaintiffs ask this Court to direct USCIS to adjudicate their Form I-485 application.

### 27 **12. Settlement and ADR**

28 The parties have filed their ADR certification and a Notice of Need for an ADR Phone

1 Conference.

2 **13. Consent to Magistrate Judge for All Purposes**

3 One or more of the parties have declined magistrate judge jurisdiction.

4 **14. Other References:**

5 The parties do not believe that this case is suitable for reference to binding arbitration, a  
6 special master, or the Judicial Panel on Multidistrict Litigation.

7 **15. Narrowing of Issues**

8 The parties do not believe that the issues can be narrowed by agreement or by motion, and do  
9 not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or  
10 stipulated facts), and any request to bifurcate issues, claims or defenses.

11 **16. Expedited Schedule**

12 The parties believe this case can be resolved on motion(s).

13 **17. Scheduling**

14 The parties propose the following schedule on the defendants' motion to dismiss:

15 Parties' Cross-Motions for Summary Judgment: November 2, 2007

16 Parties' Cross-Oppositions: November 16, 2007

17 Hearing: November 30, 2007, at 10:00 a.m.

18 **18. Trial**

19 The parties do not anticipate the need for a trial in this case.

20 **19. Disclosure of Non-Party Interested Entities or Persons:**

21 The parties intend to file the "Certification of Interested Entities or Persons" required by Civil  
22 Local Rule 3-16.

23 **20. Such other matters as may facilitate the just, speedy and inexpensive disposition of**  
24 **this matter**

25 None.  
26  
27  
28

1  
2  
3 Dated: July 27, 2007

/s/  
TRICIA WANG  
Attorney for Plaintiffs

5  
6  
7 Dated: July 27, 2007

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorney for Defendants

10 **ORDER**

11 The Case Management Statement and Proposed Order are hereby adopted as the Case  
12 Management Order for the case and the parties are hereby ordered to comply with this order. The  
13 Court hereby vacates the case management conference, which was scheduled for August 3, 2007,  
14 at 8:30 a.m.  
15

16  
17 Dated: August 02, 2007

18 CHARLES R. BREYER  
United States District Court Judge

